**HIGH COURT OF UTTARANCHAL AT NAINITAL**

Writ Petition No. 193 of 2006 (SS)

Manoj Kumar s/o Sri Jhabber Singh Rawat
R/o village & Post Jagsiyakhal (Ranswa),
District Pauri Garhwal ..... Petitioner

Versus

1. Additional District Education Officer
(Basic) Pauri Garhwal
2. Block Education Officer Block Ekeshwar,
District Pauri Garhwal
3. Smt. Geeta Devi wife of Sri Manmohan Singh
R/o village Simli Talli Bungi, P.O. Byasi,
Block Nainidanda, District
Pauri Garhwal ..... Respondents

Sri S.K. Posti, Advocate for the petitioner
Standing counsel the respondents.

Dated: 23.2.2006

**Hon'ble Rajesh Tandon J.**

Heard Sri S.K. Posti, Advocate for the petitioner and the Standing counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to appoint the petitioner as Shiksha Mitra in Primary School, Ranswa, Block Ekeshwar, District Pauri Garhwal.

Briefly stated in pursuance of the scheme known as Sarva Shiksha Abhiyan, the Additional District Education Officer (Basic) Pauri Garhwal issued an advertisement on 28.11.2005 in the daily news paper 'Danik Jagran' inviting applications for the appointment of Shiksha Mitra in District Pauri Garhwal.

According to the case of the petitioner he belongs to the village Ranswa and his educational qualification is B.A. B.P.Ed. He applied for the post of Shiksha Mitra in Primary School, Ranswa. The Village Pradhan is the head of the selection committee at village Panchayat level and he forwarded the application of the petitioner along with other candidates to the Block Education Officer at Block Ekeshwar. The merit list was prepared at block level as provided in the advertisement where the respondent no. 3 Smt. Geeta Devi was placed at Serial no. 1 and the petitioner was ranking at serial no. 2. The petitioner has stated that Smt. Geeta Devi respondent no.3 has already got appointment as Shiksha Mitra in Primary School Khiunai in Block Nainidanda thus she is no more candidate for the post of Shiksha Mitra in Primary School, Ranswa and the petitioner is now on the top of merit list is entitled to be appointed on the post of Shiksha Mitra.

The petitioner has further alleged that the Block Pramukh, Ekekshwar Block District Pauri Garhwal who is the Chairman of the Selection Committee at Block level wrote a letter to the Block Education Officer who is the Secretary of Selection of Shiksha Mitra directing him that since Smt. Geeta Devi respondent no. 3 already got appointment as Shiksha Mitra in Primary School, Khiunai Block Nainidanda, therefore, appointment be given to the next candidate in the list.

The grievance of the petitioner is that inspite of the clear cut candidature and eligibility of the petitioner for appointment on the post of Shiksha Mitra in Primary School, Ranswa, the respondents have not given appointment to him in that school. The petitioner has submitted that he made representations on

16.10.2005 and 28.1.2006 to the respondents but no order has been passed as yet.

In view of above, the respondents are directed to pass appropriate order on the representation of the petitioner in view of the recommendation made by the Chairman of Block Education Committee, Ekeshwar within two weeks after the receipt of certified copy of this order.

Accordingly, writ petition is allowed. No order as to costs. Copy is expedited.

Dated: 23.2.2006 **Rajesh Tandon J.**

*Dhyani